

Thursday, April 1, 2010

Division One

A123314 – Kenneth D. Johnson, v. Tamara K. Threadgill, Contra Costa County Department of Child Support Services.

The commissioner's order is vacated. The matter, construed as an Agency request for modification of the San Mateo County child support orders, is remanded to the trial court for a de novo hearing before a judge pursuant to Family Code section 4251, subdivision (c). Margulies, Acting P.J., We Concur: Dondero, J., Banke, J. (Not for Publication.)

Division Three

A123432 – The People, v. Reneisha Jeter.

The restitution order is reversed and the matter remanded for resentencing consistent with the views expressed in this opinion. Jenkins, J., We Concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

Friday, April 02, 2010

Division Two

A121908 – The People, v. James Wade Roberts.

The judgment is affirmed. Kline, P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

A122861 – The People, v. Donald Randolph.

The judgment of conviction is affirmed. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Five

A123117, A123918, A124430 – Pacific Pejiu Wu Restaurant Partners, L.P., v. James Haramis.

The judgment and orders are affirmed. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J. (Not for Publication.)

Monday, April 5, 2010

Division Three

A123561 – The People, v. Maurice Anthony McMillan.

By The Court: The petition for rehearing is denied. McGuiness, P.J.

Division Five

A121924 – The People, v. Timothy Thomas.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Bruiniers, J. (Not for Publication.)

Tuesday, April 6, 2010

Division Four

A123593 – The People, v. Jacqueline Michelle Scott.

We strike the protective order and in all other respects affirm the judgment. Reardon, Acting P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, April 6, 2010

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Reardon, Acting P. J., Sepulveda, J., and Rivera, J.; Annie Reasoner, Deputy Clerk; CHP Officer James Militar, Bailiff.

A124350 Rusnak

and v.

A125011 Salaman

Cause called. Gary Ho appeared by telephone for appellant Janice Salaman. Kevin R. Brodehl appeared for respondent Taroub Rusnak. Cause submitted.

Court adjourned at 9:44 a.m.

Tuesday, April 6, 2010(Continued)

Division Five

A119404 – The People, v. Ryan Brian Bui.

The judgment is affirmed. Bruiniers, J., We Concur: Simons, Acting P.J., Needham, J. (Certified for Partial Publication.)

Wednesday, April 07, 2010

Division Three

A124649 – Matthew Shaun Martin, v. Jim Nord, individually and as Trustee, etc.

The appeal is dismissed. Respondent shall recover its costs on appeal. McGuiness, P.J., We Concur: Pollak, J., Siggins, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, April 7, 2010

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Pollak, Acting P.J., Siggins, J., and Jenkins, J.; and B. Robbins, Deputy Clerk.

A125595 The People,

v.

E.M.

Cause called and argued by Eloy I. Trujillo, counsel for appellant, and Martin S. Kaye, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED

Wednesday, April 07, 2010(Continued)

Division Four

A125746 – In re H.M. et al., Persons Coming Under the Juvenile Court Law. Lake County Department of Social Services, v. J.M.

The judgment is affirmed. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A123948 – Lesley Emmington Jones et al., v. The Regents of The University of California.

By The Court: The opinion filed March 12, 2010, is modified to change heading “II.D. The Regents’ Appeal” to “II.C. The Regents’ Appeal.” The opinion has now been certified for partial publication pursuant to rules 8.1105(b) and 8.1110 of the California Rules of Court, and it is ordered so published in the Official Reports. Reardon, Acting P.J. (Certified for Partial Publication.)

Thursday, April 8, 2010

Division One

A125201 – The People, v. Cuateconzti H. Armas.

The judgment is affirmed. Banke, J., We Concur: Margulies, Acting P.J., Dondero, J. (Not for Publication.)

A125626 – Alejandro Alvarez, v. The Superior Court of The City and County of San Francisco, The People, R.P.I.

The order to show cause is discharges. The petition for writ of mandate or prohibition is denied. The stay previously imposed by the California Supreme Court shall remain in effect until issuance of the remittitur. Marchiano, P.J., We Concur: Dondero, J., Banke, J. (Certified for Publication.)

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, April 8, 2010

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Dondero, Justice, Banke, Justice, Fred Abad, Deputy Clerk, and CHP Officer Bobby Singh, Bailiff.

Justice Marchiano called the court to order and announced that J. Margulies and Justice Dondero will not be present oral argument. Counsel for the first case waived the presence of J. Margulies and counsel for the second case did not waive the presence of Justice Dondero and requested continuance to the Court's May calendar.

A123720 People,

v.

Deleon Larone Adams.

Cause called and argued by Julia Freis, counsel for respondent, and Bruce Ortega, counsel for respondent. Cause ordered submitted.

Court Adjourned

Thursday, April 8, 2010(Continued)

Division Four

A123948 – Lesley Emmington Jones et al., v. The Regents of the University of California.

By The Court: The opinion filed March 12, 2010, and modified and certified for partial publication on April 7, 2010, is further modified to except part II.B.2 from publication. Reardon, Acting P.J. (Certified for Partial Publication.)

Division Five

A124316 – In re Michael Quarterman, on Habeas Corpus.

The order to show cause is discharged. The petition for writ of habeas corpus is granted. The Governor's decision is vacated, and the Board's decision is reinstated. In the interests of justice, this decision shall be final in this court ten (10) days from the date of filing. (Cal. Rules of Court, rule 8.490(b)(3).) Jones, P.J., We Concur: Simons, J., Bruiniers, J. (Not for Publication.)

Monday, April 12, 2010

Division Two

A125103 – The People, v. Wayne Anthony Jameson.

For the foregoing reasons, the trial court did not err in denying appellant's suppression motion. The judgment and sentence imposed are affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

Division Three

A125595 – In re E.M., a Person Coming Under the Juvenile Court Law. The People, v. E.M.

The matter is remanded to the juvenile court with directions to vacate the finding that appellant committed a violation of Penal Code section 245, subdivision (a)(1) and to enter a finding that she committed a violation of Penal Code section 241. In all other

respects the jurisdictional findings and dispositional order are affirmed. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

Tuesday, April 13, 2010

Division Two

A123779 – The People, v. Brenda Louise Landon.

The denial of probation is affirmed. The trial court is directed to prepare and amended abstract of judgment reflecting an additional 96 days of presentence custody credit for a total custody credit of 385 days, and to forward a certified copy of said amended abstract to the Department of Corrections and Rehabilitation. As amended, the judgment is affirmed. Lambden, J., We Concur: Kline, P.J., Richman, J. (Certified for Publication.)

A121763 – The People, v. Yvonne Chappelone.

A121764 – The People, v. Michael Chappelone.

One purpose of restitution is to make the victim of a crime whole, and Target undoubtedly deserved to be compensated for the significant losses it suffered as a result of defendants' criminal conduct. The trial court faced a complicated task in calculating Target's loss, a calculation that could only be rough approximation at best. But rather than a rough approximation, the trial court awarded Target a sizable windfall, a windfall the law simply does not allow. Reversal is thus warranted, and the matter is remanded for a further hearing on the amount of restitution owed by defendants to Target in accordance with the above. Richman, J., We Concur: Kline, P.J., Haerle, J. (Certified for Publication.)

Division Three

A125614 – Gualala Festivals Committee, v. California Coastal Commission et al.

By The Court: Appellant's petition for rehearing is denied. Pollak, Acting P.J.

Division Four

**A127677 – L.L., v. The Superior Court of Lake County, Lake County
Department of Health and Human Services et al.**

The petition is dismissed. Sepulveda, J., We Concur: Ruvolo, P.J., Rivera, J.
(Not for Publication.)

A125521 – The People, v. Edgar Adrian Aguilar.

The judgment is affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Rivera, J.
(Not for Publication.)

Tuesday, April 13, 2010(Continued)

Division Five

**A125375 – In re Bradley S., a Person Coming Under the Juvenile Court Law.
The People, v. Bradley S.**

The jurisdictional and dispositional orders of the juvenile court are affirmed.
Bruiniers, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

A123840 – The People, v. Kenneth Charles Taylor.

The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Bruiniers, J. (Not
for Publication.)

**A123009 – All one God Faith, Inc., v. Organic and Sustainable Industry
Standards, Inc.**

The order denying the special motion to strike is affirmed. Dr. Bronner's cross-
appeal is denied. Dr. Bronner is to recover its costs on appeal. Bruiniers, J., I Concur:
Jones, P.J. The order denying the special motion to strike is affirmed. Dr. Bronner's
cross-appeal is denied. Dr. Bronner is to recover its costs on appeal. (See Concurring
Opinion by Simons, J.). (Certified for Publication.)

A123967 – The People, v. Tyrone Lamont Reed.

The judgment is reversed with directions to the trial court to make further inquiry
into Reed's claim of ineffective assistance of counsel. If, after further inquiry, the court
determines good cause exists for appointment of new counsel to fully investigate and
present defendant's motion for new trial, the court shall appoint new counsel for that
purpose and conduct further proceedings as necessary. If, on the other hand the court
determines after further inquiry that good cause does not exist for appointment of new

counsel to fully investigate and present defendant's new trial motion, the court shall rule on the motion as presented by Reed. If the court denies the motion for new trial, the court shall reinstate the judgment. Bruiniers, J., We Concur: Simons, Acting P.J., Needham, J. (Certified for Partial Publication.)

Wednesday, April 14, 2010

Division One

A125880 – The People, v. Gideon Gordon Shafrir.

By The Court: The opinion previously filed on March 29, 2010, was not certified for publication. After the court's review of a request pursuant to rule 8.1120(b) of the California Rules of Court, and good cause established under rule 8.1105, the opinion is certified for publication. It is hereby ordered that the opinion

Wednesday, April 14, 2010(Continued)

be published in the Official Reports. Margulies, Acting P.J. (Certified for Publication.)

A124565 – The People, v. Nasir Ali Khan.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Banke, J. (Not for Publication.)

Division Two

A121080 – Don L. Beck Associates, Inc, v. Silicon Valley Law Group.

A121081, A121988 – Silicon Valley Law Group, v. Don L. Beck.

The judgment and post-judgment attorney fees order are affirmed. In the interests of justice, all parties are to bear their own costs on appeal. Haerle, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Four

A120315 – The People, v. Anthony Johnson.

The judgment is affirmed. Reardon, J., We Concur: Ruvalo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A124142 – The People, v. Thomas Clinton Turner.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Bruiniers, J.
(Not for Publication.)

Thursday, April 15, 2010

Division One

A127479 – C.B., v. The Superior Court of Contra Costa County, Contra Costa County Bureau of Children and Family Services, R.P.I.

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The decision is final in this court immediately. Margulies, J., We Concur: Marchiano, P.J., Banke, J. (Not for Publication.)

Thursday, April 15, 2010(Continued)

Division Two

A126207 – In re Armani T., a Person Coming Under the Juvenile Court Law. The People, v. Armani T.

For the foregoing reasons, the dispositional order in this case must be modified as follows: Armani T.'s maximum possible term is six years, consisting of five years for the commission of robbery (§ 211) and an additional and consecutive term of one year for being armed with a firearm in the commission of a felony (§ 12022, subd. (a)(1)). For the concomitant commission of burglary in violation of section 459, Armani shall receive a consecutive term of eight months, one-third the two-year midterm for the commission of that offense (§ 1170.11, subd. (a)), but imposition of that consecutive term shall be stayed pursuant to section 654.

The juvenile court is directed to prepare an amended dispositional order reflecting these changes and to forward a copy thereof to Armani's probation officer. As so modified, the dispositional order is affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

A122439 – The People, v. Daniel Thomas Lucero.

The judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Three

A124797 – The People, v. Timothy Douglas Morse.

The judgment is affirmed. Siggins, J., We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A126501 – In re Y.J., a Person Coming Under the Juvenile Court Law. Contra Costa County Children and Family Services, v. George H.

The order terminating parental rights is affirmed. Pollak, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Division Four

A125700 – The People, v. David Edward Row.

The one-year concurrent sentence imposed for defendant's misdemeanor vandalism conviction (count 2) is ordered stayed pursuant to section 654, and his abstract of judgment shall be modified accordingly. The trial court is directed to prepare an amended abstract of judgment, and certified copy of the modified abstract shall be forwarded to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Thursday, April 15, 2010(Continued)

Division Five

A126264 – Lincoln Finley, Jr., et al., v. John Halliday, Jr., et al.

The order dismissing the complaint is affirmed. Jones, P.J., We Concur: Needham, J., Bruiniers, J. (Not for Publication.)

MINUTES

COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT DIVISION FIVE

Thursday, April 15, 2010

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Needham, Jr., J., Bruiniers, J., and Joshua Chow, Deputy Clerk.

A122783 Christine Holman,
A124451 v.
Altana Pharma US, Inc.,
Causes called and argued by William Fernholz, counsel for appellant, and by Patricia H. Cullison, counsel for respondent. Causes ordered submitted.

A124038 Dawn Zobrist et al.,
A124048 Molly White et al.,
v.
Cellco Partnership et al.,
Causes called and argued by Jonathan Piper and Steve Miller, counsel for appellants, and by Henry Weissmann and Larence Timothy Fisher, counsel for respondents. Causes ordered submitted.

A122524 The People,
v.
Patrick Jamal Higgins,
Cause called and argued by Solomon Wollack, counsel for appellant, and by David M. Baskind, counsel for respondent. Cause ordered submitted.

A125264 Haight Ashbury Free Clinics, Inc.,
v.
Happening House ventures et al.,
Cause called and argued by Frank Cialone, counsel for appellants, and by William Alderman, counsel for respondents. Cause ordered submitted.

At this point in the proceedings Justice Needham left the bench and Justice Simons entered.

A123367 The People,
v.
Daniel adrian McGillicuddy,
Cause called and argued by Donald Bergerson, counsel for appellant, and by Michael E. Banister, counsel for respondent. Cause ordered submitted.

A126130 Benito Garcia,
v.
Department of Motor Vehicles,
Cause called and argued by William Darden, counsel for appellant, and by Joseph Morehead, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Bruiniers left the bench and Justice Needham entered.

A125471 Fred Tomlinson et al.,
v.
Alameda County Board of Supervisors,
Y.T. Wong et al.,
Cause called and argued by Sabrina Teller, counsel for appellants, and by Brian Washington and Miriam Wen-Lebron, counsel for respondents. Cause ordered submitted.

A125723 Kenneth Barker,
v.
Roaround Hill Country Club,
Cause called and argued by Kenneth Barker, appellant, and by William Eric Blumhardt, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

A121975 The People,
v.
David Alan True,
Cause called and argued by David S. Krueger, counsel for appellant, and by Gregg E. Zywicke, counsel for respondent. Cause ordered submitted.

A125758 The People,
v.
E.S.,
Cause called and argued by Michael Allen, counsel for appellant, and by Christina Vom Saal, counsel for respondent. Cause ordered submitted.

A125890 Victor Linares,
v.
Richard D. Green et al.,
Cause called and argued by Phillip G. Samovar, counsel for respondent. Cause ordered submitted.

Court adjourned at 2:17 p.m.

Friday, April 16, 2010

Division Three

A125776 – In re E.S., a Person Coming Under the Juvenile Court Law. The People, v. E.S.

The juvenile court's placement order is affirmed. Jenkins, J., We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

Division Four

A126372 – In re S.S., a Person Coming Under the Juvenile Court Law. The People, v. S.S.

The juvenile court adjudication and disposition orders are affirmed. Reardon, Acting P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

A125406 – The People, v. Shawn Hammond.

The judgment is affirmed. Bruiniers, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

A125018 – The People, v. Vernon Leroy Crabtree.

The judgment is affirmed. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J. (Not for Publication.)

Monday, April 19, 2010

Division One

A125897 – In re T.J., a Person Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services, v. T.J. (Mother).

The order terminating Mother's parental rights to T.J. is affirmed. Marchiano, P.J., We Concur: Margulies, J., Dondero, J. (Not for Publication.)

A122550 – The People, v. Adamu Taye Chan.

By The Court: It is ordered that the opinion filed herein on March 30, 2010, be modified as follows: The last two sentences in footnote 2 on page 8 are deleted. As so modified, this footnote now reads: The court ruled that, if defendant testified, he could be impeached with his 1995 robbery conviction. There is no

Monday, April 19, 2010(Continued)

change in the judgment. The petition for rehearing is denied. Marchiano, P.J. (Not for Publication.)

Division Two

A122534 – Cypress Security, LLC, v. City and County of San Francisco et al.

The judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Monday, April 19, 2010

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Lambden, J., Officer Davidson and I. Santos, Deputy Clerk.

- A125254 R. Brian Hines et al.,
 v.
 California Coastal Commission et al.;
 Steven M. Starr et al., RPI.
Cause called and argued by Stephan Volker, counsel for appellants, Deborah Bull, counsel for Real Parties in Interest Steven M. Starr et al., Jeffrey Brax, counsel for respondent County of Sonoma, and Patricia Peterson, counsel for respondent California Coastal Commission et al. Cause ordered submitted.
- A124467 Estate of James Trejo Flores, Deceased.
 Elizabeth Gomez,
 v.
 Rosa Maria Flores-Hart, as Executor, etc.
Cause called and argued by appellant Elizabeth Gomez, in propria persona, Harry Rice, counsel for respondent Rosa Maria Flores-Hart, and Sandra Robert-Stokes, counsel for respondent Ronnie Flores. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Monday, April 19, 2010

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Haerle, Acting P.J., Lambden, J., Richman, J., Officer Militar and I. Santos, Deputy Clerk.

A121746 The People,

v.

Paul Catano Murray.

Cause called and argued by Neil Rosenbaum, counsel for appellant, and Mark S. Howell, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A125324 In re S.W., a Person Coming Under the Juvenile Court Law.

The People,

v.

S.W.

Cause called and argued by Jeffrey Glick, counsel for appellant, and Mark S. Howell, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

Monday, April 19, 2010(Continued)

Division Four

A126282 – In re Carlos Z., a Person Coming Under the Juvenile Court Law. The People, v. Carlos Z.

We direct that the disposition order be amended to reflect a maximum period of physical confinement of six years. In all other respects the disposition order is affirmed. Reardon, J., We Concur: Ruvolo, J., Rivera, J. (Not for Publication.)

A123976 – Shelley D. Dwyer, v. John J. Hartford.

The purported appeal is dismissed. Reardon, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Division Five

A123509 – Wang Jiaqing et al., v. City of Albany.

The September 29, 2008 order granting summary judgment and the December 31, 2008 judgment are affirmed. The February 6, 2009 order awarding the City fees pursuant to Code of Civil Procedure sections 1021.7 and 1038 is reversed except insofar as it quantifies the costs the City should receive pursuant to the judgment. Plaintiffs shall pay the City's costs on appeal. Bruiniers, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

Tuesday, April 20, 2010

Division One

A124684 – Brandon Abbey, v. Fortune Drive Associates, LLC. Brandon Abbey, v. John Sheputis et al.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Dondero, J. (Not for Publication.)

A122832 – The People, v. Junor Douglas.

A122888 – The People, v. Marquis Rashawn Douglas.

Accordingly, the judgments are affirmed. Dondero, J., We Concur: Margulies, Acting P.J., Banke, J. (Not for Publication.)

Tuesday, April 20, 2010(Continued)

A121858 – The People, v. Delmar Palomo.

Defendant's conviction on count 9 for violation of section 646.9, subdivision (a), and the sentence imposed thereon, is vacated. The trial court is directed to correct the abstract of judgment to so reflect and submit a corrected copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment and sentence are affirmed. Dondero, J., We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A126322 – The People, v. Joseph Lee Harrold.

The judgment is affirmed. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A126801 – Conservatorship of the Estate of Tyrone Mosby. Tracy Tate, v. Golden Gate Regional Center.

The motion by Golden Gate Regional Center to dismiss the appeal of Tracy Tate is granted as to the appeal from the June 2, 2009, order only. The motion to dismiss Tate's appeal from the September 22, 2009, order denying Tate's statutory motion to vacate the judgment is denied. The parties shall bear their own costs relating to this proceeding. Haerle, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A126439 – In re Grady L., a Person Coming Under the Juvenile Court Law. The People, v. Grady L.

The judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

Division Three

A123553 – The People, v. Michael Henderson.

The matter is remanded for correction of the abstract of judgment to reflect the correct amount of the security fee. In all other respects the judgment is affirmed. Pollak, J., We Concur: McGuinness, P.J., Siggins, J. (Not for Publication.)

A124568 – The People, v. John Howard Farrow.

The judgment is affirmed. Pollak, J., We Concur: McGuinness, P.J., Siggins, J. (Not for Publication.)

Division Five
Tuesday, April 20, 2010(Continued)

A121975 – The People, v. David A. True.

Appellant's conviction of receiving a stolen motor vehicle under Penal Code section 496d, subdivision (a) (count 1) is reversed. His convictions of altering a vehicle identification number under Vehicle Code section 10802 (count 2) and defacing a motor vehicle identity number under Vehicle Code section 10750, subdivision (a) (count 3) are affirmed, as is the order placing appellant on felony probation. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J. (Not for Publication.)

Thursday, April 22, 2010

Division One

A123669 – People of The State of California, v. Jacob Lopez, Seneca Insurance Company, R.P.I.

For the foregoing reasons, the judgment denying Seneca's motion to vacate the bail forfeiture and exonerate the bond is affirmed. Banke, J., We Concur: Margulies, Acting P.J., Dondero, J. (Not for Publication.)

Division Two

A125324 – In re S.W., a Person Coming Under the Juvenile Court Law. The People, v. S.W.

The court's dispositional order committing S.W. to DJJ is affirmed. We remand this matter to the juvenile court to further consider S.W.'s potential special education

needs, including consideration of all IEP information available to the court. The juvenile court should amend its dispositional and commitment orders to include its additional findings, and transmit these findings and all IEP information available to the DJJ. We also instruct the juvenile court to recalculate S.W.'s custody credits, and prepare corrected minute orders and a DJJ commitment order, to be forwarded to DJJ, which state S.W.'s maximum term of confinement as four years. Lambden, J., We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

A125630 – The People, v. Forrest Fuller.

The judgment is affirmed. Lambden, J., We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

A122758, A122767 – Courtland Booze, v. West Coast Mobile Home Parks, Inc. et al.

Thursday, April 22, 2010(Continued)

The judgment is affirmed. The mobile park owners and managers and the Costellos are to pay their own costs of appeal. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three

A123119 – The People, v. Timothy McKnight.

The cause is remanded to the trial court for proceedings on defendant's equal protection challenge to the SVPA consistent with *People v. McKee, supra*, 47 Cal.4th 1172. The judgment is in all other respects affirmed. Siggins, J., We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A125945 – Friends of Garrity Creek, v. County of Contra Costa et al., Brilliant Management, LLC, R.P.I.

The order awarding attorney fees is affirmed. Friends of Garrity Creek shall recover its costs on appeal. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

A123972 – In re the Marriage of Pamela and Gregg D. Geiger. Pamela Geiger, v. Barbara Geiger-Parker, as Executor, etc.

The judgment is affirmed nunc pro tunc. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A124408 – Bruce E. Ellison, M.D., v. Sequoia Health Services.

The judgment of the superior court denying the petition for writ of mandate is affirmed. Sequoia is awarded costs on appeal. Needham, J., We Concur: Jones, P.J., Bruiniers, J. (Certified for Publication.)

Friday, April 23, 2010

Division One

A126438 – In re A.C., et al., Persons Coming Under the Juvenile Court Law. Humboldt County Department of Health & Human Services, Social Services Branch, v. C.S.

Friday, April 23, 2010(Continued)

The order terminating parental rights is affirmed. Banke, J., We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A125652 – The People, v. Jamie Collins.

The judgment is affirmed. Banke, J., We Concur: Marchiano, P.J., Dondero, J. (Not for Publication.)

A125881 – In re D.K., a Person Coming Under the Juvenile Court Law. The People, v. D.K.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Dondero, J. (Not for Publication.)

Division Two

A121575 – Andrew Reynard Brown, v. George Valverde, as Director, etc.

The judgment granting Brown's petition for issuance of writ of administrative mandamus is reversed. The matter is remanded to the DMV for completion of the administrative per se hearing on the issue of suspension of Brown's driver's license. Richman, J., We Concur: Kline, P.J., Haerle, J. (Certified for Publication.)

A121959 – The People, v. Christian T. Alvarez.

The judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Five

A125758 – In re Eric S., a Person Coming Under the Juvenile Court Law. The People, v. Eric S.

The order requiring appellant to pay direct victim restitution under Welfare and Institutions Code section 730.6, subdivision (h) is modified to reflect a total restitution amount of \$34,899.64. As modified, the judgment is affirmed. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J. (Certified for Publication.)

A124698 – In re K.S., a Person Coming Under the Juvenile Court Law. The People, v. K.S.

By The Court: It is ordered that the opinion filed herein on March 25, 2010, be modified as follows: (See Order). There is no change in the judgment. Simons, Acting P.J. (Certified for Partial Publication.)

Monday, April 26, 2010

Division One

A125472 – Walter Greb et al., v. Diamond International Corporation.

To adopt the interpretation propounded by appellant would render particular sections such as section 102 and section 162 of the California Corporations Code meaningless. With California Corporations Code section 2115 as an example, we conclude the Legislature well knew when to expressly apply particular statutes in the code to foreign corporations. California Corporations Code section 2010, however, does not do so. The trial court's orders sustaining defendant's demurrer and dismissing the case with prejudice are affirmed. Dondero, J., We Concur: Margulies, Acting P.J., Banke, J. (Certified for Publication.)

Division Three

A127225 – The People, v. Luis Ramon Guerrero-Lopez.

The judgment is affirmed. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J.
(Not for Publication.)

Division Four

A125618 – Communities for a Better Environment et al., v. City of Richmond, Chevron Products Company et al., R.P.I.

The judgment is reversed. The trial court is instructed to enter, consistent with this opinion, a new and different judgment granting in part and denying in part the petition for writ of mandate. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278(a).) Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J.
(Certified for Publication.)

Tuesday, April 27, 2010

Division Four

A125761 – Michael George Maxwell, v. Chris Konger.

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A126808 – In re Jose G., a Person Coming Under the Juvenile Court Law. The People, v. Jose G.

The jurisdictional and dispositional orders of the juvenile court are affirmed. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Tuesday, April 27, 2010(Continued)

A126592 – In re D.L., a Person Coming Under the Juvenile Court Law. The People, v. D.L.

The judgment is affirmed. Ruvolo, P.J., We Concur: Reardon, J., Rivera, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT, DIVISION FOUR
Tuesday, April 27, 2010

The Court convened at 9:33 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P.J., Reardon, J., and Rivera, J.; Annie Reasoner, Deputy Clerk; CHP Officer James Militar, Bailiff.

A123778 In re D.R., a Person Coming Under the Juvenile Court Law.

Alameda County Social Services Agency

v.

L.H. et al

Cause called. James Wagstaffe argued for appellant C.S. Kate Chandler appeared by telephone and argued for appellant L.H. Andrew Massey argued for respondent and cross-appellant Alameda County Social Services Agency. Cause submitted.

A124573 In re D.R., a Person Coming Under the Juvenile Court Law.

Alameda County Social Services Agency

v.

C.S. et al.,

Cause called. Andrew Massey argued for appellant Alameda County Social Services Agency. Tamara Predes argued for respondent C.S. Cause submitted.

A126120 Edward Litke

v.

City National Corporation

Cause called. Alexander J. Berline argued for appellant Litke. Diane Baxa argued for respondent City National Corporation. Cause submitted.

A124986 OneBeacon Insurance Company

v.

Pankow Residential Builders II, LP

Cause called. Moris Davidovitz argued for appellant OneBeacon. James Gibbons argued for respondent Pankow Builders. Cause submitted.

Court recessed at 11:14 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, April 27, 2010

The Court reconvened at 1:30 p.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J., Sepulveda, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Jeff Davidson, Bailiff.

- A124786 Daisy Roman
 v.
 Troy Cleland et al.
Cause called. Samuel Kornhauser argued for appellant Roman. Jeanette Little argued for respondents. Cause submitted.
- At this point, the court reconstituted itself to include Ruvolo, P. J., Reardon, J., and Sepulveda, J.
- A126169 In re L. C., a minor.
 People
 v.
 L. C.
Cause called. Randall Conner argued for appellant L. C. Christina vom Saal argued for respondent. Cause submitted.
- A124197 Leon Bedford Hill
 v.
 State of California et al.
Cause called. Sharon Arkin argued for appellant Hill. Karl H. Schmidt argued for respondents. Cause submitted.
- At this point, the court reconstituted itself to include Reardon, Acting P. J., Sepulveda, J., and Rivera, J.
- A124709 Sandra Chew
 v.
 Williams Lea
Cause called. Alec Segarich argued for appellant Chew. Alex Hernaez argued for respondent. Cause submitted.
- A126262 Chris McGee
 v.
 Pratik Patel
Cause called. Nafiz M. Ahmed argued for appellant Patel. In pro per respondent Chris McGee argued. Cause submitted.

Court adjourned at 2:25 p.m.

Wednesday, April 28, 2010

Division Two

A122693, A123263 – Total Terminals International, LLC, v. City of Oakland.

The judgment and the post-trial order awarding costs to the Port are affirmed. Costs on appeal are awarded to respondent. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

A123253 – Angel Batt, v. City and County of San Francisco.

The judgment is affirmed. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Certified for Publication.)

A125983 – Stephen J. Barrett et al., v. Hulda Clark et al.

The appeal is dismissed. Respondents are awarded their costs on appeal.¹ Kline, P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Three

A125520 – The People, v. Jesus Barragan.

Defendant's conviction for possession of methamphetamine for sale in violation of Health and Safety Code section 11378 is reversed. If, after the filing of the remittitur in the trial court, the People do not retry Barragan on count two within the time limit set forth in Penal Code section 1382, subdivision (a)(2), the trial court shall treat the remittitur as a modification of the judgment as to count two to reflect a conviction of simple possession of methamphetamine in violation of Health and Safety Code section 11377, and resentence Barragan accordingly. (See *People v. Edwards* (1985) 39 Cal.3d 107, 118; *People v. Racy* (2007) 148 Cal.App.4th 1327, 1336, 1338; *People v. Woods* (1992) 8 Cal. App.4th 1570, 1596.) In all other respects, the judgment is affirmed. Siggins, J., We Concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

¹ Respondents' request for sanctions, first raised in their reply to appellants' opposition to the motion to dismiss, which includes no argument or citation to authority, is denied. (See, e.g., *Associated Builders & Contractors, Inc. v. San Francisco Airports Com.* (1999) 21 Cal.4th 352, 366, fn. 2.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, April 28, 2010

Court convened at 9:22 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Siggins, J. and Jenkins, J.; and F. Castuera, Deputy Clerk.

A124661 Ridgewater Associates,
v.
Dublin San Ramon Services District.
Cause called and argued by David Senior, counsel for appellant, and Paul Gaspari, counsel for respondent. Cause ordered submitted.

A124840 The Housing Group et al.,
v.
Atlantic Mutual Insurance et al.
Cause called and argued by Dane Durham, counsel for appellants, and Blaise Curet, counsel for respondents. Cause ordered submitted.

At this point in the proceedings, Jenkins, J. left the bench and Pollak, J. joined the bench.

A124262 Michael Querard et al.,
v.
Countrywide Home Loans, Inc. et al.
Cause called and argued by Robert Travis, counsel for appellants, and Aaron McKown, counsel for respondents. Cause ordered submitted.

A126034 In re K.B., a Person Coming Under the Juvenile Court Law.
Alameda County Social Services Agency,
v.
N.B.
Cause called and argued by Deborah Bialosky, counsel for appellant, and Melinda Leong, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, McGuiness, P.J. left the bench and Jenkins, J. re-joined the bench. Pollak, J. presided the last case.

CONTINUED

A123755 People,
 v.
 Jeffrey Angel Romero.
Cause called and argued by Michael Willemsen, counsel for appellant, and
Rene Chacon, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED

Wednesday, April 28, 2010(Continued)

Division Four

A124917 – County of San Mateo, v. State Board of Equalization et al.

The judgment is affirmed. The parties shall bear their own costs incurred on appeal. Sepulveda, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A123236 – The People, v. Robert Thomas Middagh.

The judgment is affirmed. The trial court is directed to amend the abstracts of judgment to state a single restitution fine of \$10,000 and to forward copies of the amended abstracts of judgment to the Department of Corrections and Rehabilitation. Sepulveda, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Division Five

A123367 – The People, v. Daniel Adrian McGillicuddy.

The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Bruiniers, J. (Not for Publication.)

Thursday, April 29, 2010

Division One

A125991 – Conservatorship of the Person and Estate of Joseph B. Solano County Public Guardian, v. Joseph B.

The judgment of the trial court is affirmed. Margulies, Acting P.J., We Concur: Dondero, J., Banke, J. (Not for Publication.)

A125348 – The People, v. Delon Larone Adams.

The judgment is affirmed. Margulies, J., We Concur: Marchiano, P.J., Banke, J. (Not for Publication.)

Division Two

A121818 – Shawn R. Kerton, v. Michele White.

The order appealed from is affirmed. Haerle, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Thursday, April 29, 2010(Continued)

Division Four

A120183 – The People, v. Alfonza Alvon Phillips.

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A126120 – Edward Litke, v. City National Corporation et al.

The judgment is affirmed. Reardon, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Division Five

A123237 – The People, v. Antonio Carranza Huerta.

The judgment is affirmed. The abstract of judgment shall be amended to show a life sentence with possibility of parole, with a minimum term of 15 years parole eligibility. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J. (Not for Publication.)

A122725 – DCM Construction and Services, Inc., v. Mehdi Mohammadian et al.

The judgment is affirmed. Respondent is entitled to costs on appeal. Simons, J., We Concur: Jones, P.J., Bruiniers, J. (Not for Publication.)

A123933 – The People, v. Chesley Van Evans, Jr.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A124063 – The People, v. Larry Latimore, Jr.

The judgment is affirmed. Simons, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

A119404 – The People, v. Ryan Brian Bui.

By The Court: The petition for rehearing is denied. Jones, P.J.

A125723 – The People ex rel. Kenneth Barker, v. Round Hill Country Club.

The judgment is affirmed. Simons, J., We Concur: Jones, P.J., Needham, J.
(Not for Publication.)

Friday, April 30, 2010

Division One

A124673 – The People, v. Steven Jesus Lomell.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Banke, J. (Not for Publication.)

Division Two

A125490 – The People, v. Laida Marie Davis.

The order setting aside the grand jury's allegation pursuant to section 790(b) is reversed. Richman, J., We Concur: Kline, P.J., Lambden, J. (Certified for Publication.)

Division Three

A123780 – The People, v. James Dennis O'Hare.

The judgment is affirmed. McGuiness, P.J., We Concur: Pollak, J., Jenkins, J.
(Not for Publication.)

A125099 – The People, v. Henry James Beckwith.

The judgment is affirmed. Jenkins, J., We Concur: McGuiness, P.J., Siggins, J.
(Not for Publication.)

A126203 – In re S.C., a Person Coming Under the Juvenile Court Law. The People, v. S.C.

The juvenile court's jurisdictional findings and dispositional order are affirmed. Jenkins, J., We Concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

A126860 – The People, v. Lovell Wayne Owens.

The judgment is affirmed. McGuiness, P.J., We Concur: Pollak, S., Siggins, J. (Not for Publication.)

A124840 – The Housing Group et al., v. Empire Indemnity Insurance Company.

The judgment is affirmed. Costs on appeal are awarded to Empire. Jenkins, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A125821 – The People, v. Jose Gomez-Garcia.

Friday, April 30, 2010(Continued)

The abstract of judgment shall be amended to reflect a \$200 restitution fund fine under section 1202.4 and a corresponding \$200 parole revocation fine under section 1202.44. A copy of the amended abstract shall be forwarded to the Department of Corrections. In all other respects, the judgment is affirmed. McGuiness, P.J., We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Division Four

A124786 – Daisy Roman, v. Troy Cleland.

The judgment and order granting in part respondent's motion to tax costs are affirmed. Respondent shall recover his costs on appeal. Sepulveda, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A126103 – In re Samuel G., a Person Coming Under the Juvenile Court Law. The People, v. Samuel G.

The juvenile court's orders are affirmed. Sepulveda, J., We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A124197 – Leon Bedford Hill, v. State of California.

The judgment is affirmed. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A124900 – Sonoma County Chevrolet, v. John Hardesty et al.

The judgment is affirmed. Sonoma Chevrolet shall recover its costs on appeal.
Jones, P.J., We Concur: Simons, J., Bruiniers, J. (Not for Publication.)